

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

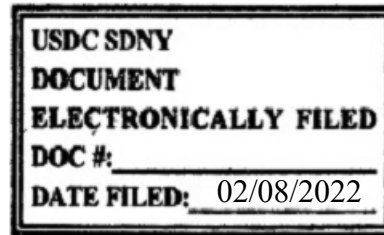
MORGAN ART FOUNDATION LIMITED,

Plaintiff,

-against-

MICHAEL MCKENZIE, et al.,

Defendants.



18-CV-4438 (AT) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has carefully considered the arguments made by the parties in their joint letter dated February 3, 2022 (Dkt. No. 485). The hearing on MAF's sanctions motion (Dkt. No. 465) will remain on calendar for **March 1, 2022**, but will commence at **9:30 a.m.** in **Courtroom 20A** of the Daniel Patrick Moynihan United States Courthouse. Given the gravity of the allegations made by MAF, the Court will permit live testimony as requested by defendant McKenzie, including equal time for cross-examination by MAF, as follows:

Michael McKenzie: 1 hour per side.

Greg Allen: 30 minutes per side.

Tim Ginexi: 30 minutes per side.

Annette Vessecchia: 30 minutes per side.

In order to complete the hearing on March 1, 2022, the Court will enforce these time limits strictly.

No later than **February 25, 2022**, the parties shall submit, via ECF, a proposed form of Joint Pre-Hearing Order that (a) lists the witnesses in the order they will be called and (b) identifies and attaches copies of any documents that the parties intend to use as hearing exhibits (other than purely for impeachment) and that have *not* been previously submitted in support of or in opposition to the sanctions motion. Exhibits submitted prior to the hearing (either as attachments to the motion papers or as attachments to the Joint Pre-Hearing Order) may be referred to during the hearing by

their ECF numbers and need not be re-marked for use as exhibits. At the hearing, however, counsel shall provide a paper copy of each exhibit to the witness, and to the clerk, as and when that exhibit is introduced.

Counsel are reminded that advance permission must be obtained to bring cellphones, laptops, tablets, or similar electronic equipment into the courthouse. The governing Standing Order, as well as instructions for requesting permission, can be found on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>. There is no Wi-Fi in the courtroom. If a party requires the use of electronic devices beyond those covered by the Standing Order, arrangements should be made promptly with Courtroom Deputy Kevin Snell (212-805-0171).

Counsel are further reminded that the Court's COVID protocols, available on its website at <https://nysd.uscourts.gov/covid-19-coronavirus>, are subject to change as public health conditions evolve and must be strictly complied with. Under current guidelines, attorneys may remove their masks when questioning a witness or arguing from the podium, and witnesses may remove their masks when testifying from the witness stand, if, among other things, they have tested negative on a rapid molecular diagnostic test *that day* and have submitted the results to the Court.

It is counsel's responsibility to advise the Court promptly if a lawyer or witness will be unable to appear (*e.g.*, due to a positive COVID test).

Dated: New York, New York
February 8, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge